

1 MCGREGOR W. SCOTT  
United States Attorney  
2 LAURA L. FERRIS  
Assistant U.S. Attorney  
3 501 I Street, Suite 10-100  
Sacramento, California 95814  
4 Telephone: (916) 551-2932

*cal/de*

5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, )  
11 ) CR.S. 98-00383 EJG  
Plaintiff, )  
12 )  
v. )  
13 )  
MARTIN S. ROSMAN, ) MOTION TO DISMISS INDICTMENT,  
14 EMMANUEL G. UMALI, and ) VACATE STATUS CONFERENCE, AND  
EVELINA P. SABIO, ) RELEASE FROM CUSTODY AS TO  
15 ) EVELINA SABIO  
Defendants. )  
16 )

17  
18 Plaintiff United States of America, by and through its  
19 undersigned counsel, and pursuant to Fed. R. Crim. P. 48, moves to  
20 dismiss the indictment in the above-captioned action filed on  
21 September 4, 1998.

22 It is the government's belief that Evelina Sabio learned of the  
23 investigation in the underlying case (and a corresponding case out  
24 of the Fresno division, United States v. Socrates G. Domingo, CR.S.  
25 98-05079 OWW) and fled the country to avoid charges. More than  
26 eight years have passed since the indictment was returned in this  
27 case.  
28

1 When the defendant was arrested in Las Vegas in June 2007 she  
2 was interviewed and admitted, at least in part, to some of her  
3 involvement with the illegal activity charged. The government  
4 proceeded to review and evaluate the evidence still in its  
5 possession and otherwise available to the government.  
6 Notwithstanding the partial confession, the government has concluded  
7 that given the passage of time there is insufficient evidence  
8 available to move forward with the criminal prosecution this  
9 defendant as charged.

10 Accordingly, the government respectfully requests that the  
11 Court dismiss the indictment against Evelina Sabio, vacate the next  
12 status conference set for July 13, 2007, and release her from  
13 custody ordered as a result of the indictment in the above-  
14 referenced case.<sup>1</sup>

15  
16 DATED: July 9, 2007

MCGREGOR W. SCOTT  
United States Attorney

17  
18  
19 By: /s/ Laura L. Ferris  
LAURA L. FERRIS  
Assistant U.S. Attorney

20 / / /

21 / / /

22 / / /

23 / / /

24 / / /

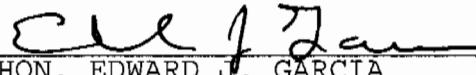
25 \_\_\_\_\_  
26 <sup>1</sup> It is not known to the government at this time if Evelina  
27 Sabio will still be subject to detention on the basis of immigration  
28 concerns. She is also subject to detention in the Fresno case  
mentioned above. A Motion to Dismiss the Fresno case will be filed  
shortly on the same grounds.

ORDER

Based on the motion of the government, and GOOD CAUSE APPEARING THEREFORE, the Court hereby orders that the indictment against Evelina Sabio, filed on September 2, 1998, be and is hereby dismissed. Effective the date of this Order, Evelina Sabio shall be released from custody ordered as a result of the indictment in the above-referenced case.

IT IS SO ORDERED.

DATED: July 10, 2007

  
HON. EDWARD J. GARCIA  
United States District Judge